

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NORTHEAST DIVISION

FILED
2018 SEP 28 AM 11:00
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

CEDRIC ADAMS, ASHLEY SMITH,
And SIR CHRISTIAN ADAMS
Plaintiffs,
v.

CASE NO. 3:18-0976

NICK DIAMOND, JOHN DOE
And
METROPOLITAN NASHVILLE-
DAVIDSON COUNTY, TENNESSEE
Defendants.

COMPLAINT

1. Plaintiffs Cedric Adams, Ashley Smith and Sir Christian Adams bring this civil rights claim for damages against Metropolitan Nashville Police Department Officer Nick Diamond, John Doe and Metropolitan Nashville-Davidson County, Tennessee, alleging that Mr. Diamond violated their Fourth Amendment rights by unlawfully entering the home of Cedric Adams, Ashley Smith and Sir Christian Adams. Mr. Diamond used excessive force by firing his weapon a handgun without any justification. This complaint is filed pursuant to 42 U.S.C. 1983 and all other applicable state and federal law. Metropolitan Nashville-Davidson County is vicariously liable.

PARTIES

2. Plaintiff Cedric Adams is a citizen and resident of Nashville, Davidson County, Tennessee.
3. Plaintiff Ashley Smith is a citizen and resident of Nashville, Davidson County, Tennessee.

4. Plaintiff Sir Christian Adams is a citizen and resident of Nashville, Davidson County, Tennessee.
5. Defendant Nick Diamond is a citizen and resident of Nashville, Davidson County, Tennessee.
6. Defendant John Doe is a citizen and resident of Nashville, Davidson County, Tennessee.
7. Defendant Metropolitan Nashville-Davidson County is a municipal government entity constituted under the laws of Tennessee.

JURISDICTION AND VENUE

8. This Court has federal question jurisdiction over the federal claims in this matter pursuant to 28 U.S.C. 1331. This Court has supplemental jurisdiction over the state vicarious liability claim pursuant to 28 U.S.C. 1367. Venue lies in this district pursuant to 28 U.S.C. 1391(b)(2) because all claims related to this case occurred in this district.

FACTUAL BACKGROUND

9. On September 29, 2017, defendant Nick Diamond forced entry into the home of Cedric Adams, his fiancée Ashley Smith, and their one-month-old child Sir Christian Adams.
10. Prior to breaking into the home, Mr. Diamond had his weapon a handgun drawn.
11. After breaking into the home, Mr. Diamond pointed his weapon and fired one round.

12. Ms. Smith was seated on the couch, nursing their newborn Sir Christian Adams.
13. The bullet from Mr. Diamond's gun went through Mr. Adams' shirt and shorts, luckily missed hitting the flesh of Mr. Adams, and went into the couch where Ms. Smith and Sir Christian were seated.

PRAYERS FOR RELIEF

WHEREFORE, Mr. Diamond and Metro Nashville-Davidson County, Tennessee's actions constitute excessive force, intentional and negligent infliction of emotional distress, the plaintiffs pray:

14. That the defendants answer this complaint within the time provided by law.
15. That this cause be tried by a jury.
16. That judgment for Plaintiffs enter against the Defendants on each count.
17. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded nominal damages on all counts.
18. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded compensatory damages in an amount determined by the jury.
19. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded punitive damages in an amount determined by the jury.
20. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded attorney's fees and reasonable litigation expenses, including expert witness fees, pursuant to 42 U.S.C. 1988 and F.R. civ. Pro. 54(d).
21. That the court costs in this matter be taxed to Defendants.

22. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded pre- and post-judgment interest against Defendants.
23. That Cedric Adams, Ashley Smith and Sir Christian Adams be awarded all other relief to which it may appear they are entitled in the interests of justice.

Respectfully submitted,

s/ Cedric Adams

Cedric Adams, pro se
3543 A. Dickerson Pike
Nashville, TN 37207
T: (615) 635-9996
E: ssns901@yahoo.com

15 Arabella Circle,
Oakland, TN
38060